

A copy of this report was sent to Plaintiff at his last known address, return receipt requested, but was returned as unclaimed and unable to forward. Docket No. 8. House has not advised the Court of his current mailing address.

As no objections have been filed, Plaintiff is not entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with the Report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)); *see also Wheatley v. Scott*, No. 1:12-CV-317, 2018 WL 3371925, at *1 (E.D. Tex. June 15, 2018), *report and recommendation adopted*, No. 1:12-CV-317, 2018 WL 3369422 (E.D. Tex. July 10, 2018) (dismissing for failure to prosecute after the plaintiff did not contact the Court for some two years); *Callier v. Cain*, No. 3:11-CV-2144, 2012 WL 2602958, at *1 n.1 (W.D. La. June 6, 2012), *report and recommendation adopted*, 2012 WL 2674595 (W.D. La. July 3, 2012) (“indeed, the evidence suggests that he no longer wishes to pursue this matter since he has not contacted the court since he submitted his *in forma pauperis* application on January 25, 2012, some four months ago”); *Latney v. Kemp*, No. 4:08-CV-111, 2010 WL 2301684, at *1 (S.D. Miss. May 17, 2010), *report and recommendation adopted*, 2010 WL 2301678 (S.D. Miss. June 7, 2010) (noting “the Court must be able to clear its calendars of cases that remain dormant because of the inaction or dilatoriness of the parties seeking relief, so as to achieve the orderly and expeditious disposition of cases” and observing “plaintiff has not contacted the court by any method in over

six months; he may have lost interest in prosecuting his claims after his release from prison”). It is accordingly

ORDERED the Report of the Magistrate Judge (Docket No. 7) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. It is further

ORDERED the statute of limitations is **SUSPENDED** for **90 days** following the date of entry of final judgment.

So ORDERED and SIGNED this 30th day of October, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE